

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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REUBEN AVENT,

Plaintiff,

- vs -

9:07-CV-1135  
(DNH)(GHL)

BRIAN FISHER; THOMAS EAGEN; GOORD; DALE  
ARTUS; DEVLIN, Sgt.; D. KEMP; ANTHONY  
ANNUCCI; WILSON, C.O.; IGP LINDQUIST;  
COXSACKIE UNKNOWN IGP; LAREAU, Lt.; R.K.  
WOODS; K. BELLAMY; JOHN DOE, Commissary  
Officer; SNIDER, C.O.; JAMES DOE, Upstate C-2-11  
Building Sgt.; THOMPSON, Sgt.; BRIAN O'DONNELL  
BORGADDES, C.O.; MAHONNEY, Supt.; KNOPP,  
C.O.; HOBART, C.O.; BEAULT, C.O.; BACZKOWSKI,  
Sgt.; K. GEORGROSIO, R.N.; MEIGS, Lt.; THERESA  
A. KNAPP-DAVID; LAPE, Supt.; L. NORTON; ELIOT  
SPITZER; C.O. LUPO; SHORR, C.O.; ANDROSKO,  
R.N.; SUPERINTENDENT GRAHAM; SERGEANT  
LUPO; D. SELSKY; BELLNIER, DSS; PARMITER,  
IGP; R.N. SMITH, Sgt.,

Defendants.

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APPEARANCES:

REUBEN AVENT

Plaintiff, *pro se*

01-A-5796

Auburn Correctional Facility

P.O. Box 618

Auburn, NY 13021

DAVID N. HURD

United States District Judge

**ORDER**

Plaintiff, Reuben Avent, brought this civil rights action pursuant to 42 U.S.C. §  
1983. In a Report Recommendation dated September 30, 2008, the Honorable George H.  
Lowe, United States Magistrate Judge, recommended that plaintiff's in forma pauperis status

be revoked as having been improvidently granted; that the complaint be dismissed if within thirty (30) days of the date of the final order on the report-recommendation he has not paid the required filing fee of \$350.00. The plaintiff has filed timely objections to the Report Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

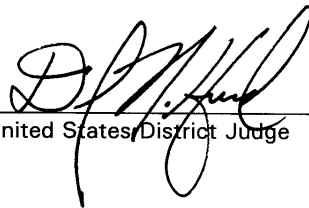
Accordingly, it is

ORDERED that

1. Plaintiff's in forma pauperis status is REVOKED;
2. Plaintiff's complaint is DISMISSED; however if plaintiff pays the required filing fee of \$350.00 in full within thirty (30) days of the date of this order, the complaint will be reinstated and the action may move forward;
3. If plaintiff fails to pay the required filing fee within thirty days, the Clerk is instructed to file judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: November 20, 2008  
Utica, New York.



United States District Judge